

APPENDIX

Reports of Committees on Engrossed
and Enrolled Bills

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 29
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. C. R. No. 30
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
March 31, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 407
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
March 31, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 404
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
March 31, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 346
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 255
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 280
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston,
Chairman.

FORTY-SIXTH DAY

(Tuesday, April 4, 1939)

The Senate met at 10:00 o'clock,
a. m., pursuant to adjournment, and
was called to order by President
Stevenson.

The roll was called, and the fol-
lowing Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

A quorum was announced present.

The invocation was offered by the
Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Head was granted leave of absence for the remainder of this week on account of important business, on motion of Senator Collie.

Senator Stone of Washington was granted leave of absence for today on account of important business, on motion of Senator Brownlee.

Senator Spears was granted leave of absence for this morning, on account of important business, on motion of Senator Hill.

Senator Weinert was granted leave of absence for today, on account of illness, on motion of Senator Van Zandt.

Senate Concurrent Resolution 31

Senator Moffett offered the following resolution:

Whereas, The Honorable C. Y. Welch, Judge of the 46th Judicial District of Texas, is desirous of leaving the State sometime during the year 1939 and 1940, for the purpose of attending to personal business and for taking annual vacation; therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the said Honorable C. Y. Welch, Judge of the 46th Judicial District of Texas, the counties composing said District being Foard, Hardeman, and Wilbarger, be and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1939 and 1940, taking into consideration the conditions of the Docket of said Court; provided that such absence from the State of Texas will not be for more than four weeks during any one year.

The resolution was read; and on motion of Senator Moffett and by unanimous consent, it was considered at this time and was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. B. No. 759, A bill to be entitled "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

S. C. R. No. 30, Authorizing the State Highway Department to lend discarded guard wire to Archer City School Board, etc.

H. C. R. No. 80, Recalling Senate Concurrent Resolution No. 21 from the Governor's office.

The House refused to concur in Senate amendments to H. B. No. 374 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on part of the House:

Hardeman, Heflin, Reaves, Dickison, Bond.

The House has adopted the Conference Committee report on H. B. No. 474 by a vote of 114 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Motion to Set Senate Bill 19 as a Special Order

Senator Burns moved that S. B. No. 19 be set as a special order for next Friday, April 7, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—13

Aikin	Kelley
Brownlee	Lanning
Burns	Moffett
Graves	Pace
Hardin	Redditt
Hill	Winfield
Isbell	

Nays—7

Collie	Stone
Metcalfe	of Galveston
Nelson	Sulak
Roberts	Van Zandt

Present—Not Voting

Small

Absent

Beck	Martin
Cotten	Moore
Lemens	Shivers

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Motion to Set Senate Bill 123 as a Special Order

Senator Winfield moved that S. B. No. 123 be set as a special order for next Friday, April 7, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—13

Aikin	Martin
Brownlee	Moffett
Burns	Moore
Graves	Stone
Hardin	of Galveston
Isbell	Sulak
Kelley	Winfield

Nays—11

Collie	Pace
Cotten	Redditt
Lanning	Roberts
Lemens	Small
Metcalfe	Van Zandt
Nelson	

Present—Not Voting

Hill

Absent

Beck	Shivers
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Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Conference Committee on House Bill 374

Senator Nelson called from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 374.

Senator Nelson moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Nelson, Cotten, Lanning, Burns and Metcalfe.

Senate Bill 22 Tabled

Senator Van Zandt moved to table S. B. No. 22.

The motion prevailed.

House Concurrent Resolution 80

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 80, Recalling S. C. R. No. 21 from Governor's office for amendment.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Report of Standing Committee

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 71, Memorializing the United States Congress to take action necessary to protect the Cotton Growers of the South,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senate Bills Tabled

Senator Sulak moved to table S. B. No. 10.

The motion prevailed.

Senator Martin moved to table S. B. No. 169.

The motion prevailed.

Senator Winfield moved to table S. B. No. 197.

The motion prevailed.

Senator Stone of Galveston moved to table S. B. No. 217.

The motion prevailed.

House Bills on First Reading

The following bills, previously received from the House, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 205, to Committee on Criminal Jurisprudence.

H. B. No. 211, to Committee on Criminal Jurisprudence.

H. B. No. 224, to Committee on Highways and Motor Traffic.

H. B. No. 240, to Committee on State Affairs.

H. B. No. 273, to Committee on Criminal Jurisprudence.

H. B. No. 402, to Committee on Labor.

H. B. No. 405, to Committee on Agriculture.

H. B. No. 406, to Committee on Agriculture.

H. B. No. 478, to Committee on Mining, Irrigation and Drainage.

H. B. No. 481, to Committee on Game and Fish.

H. B. No. 482, to Committee on Game and Fish.

H. B. No. 493, to Committee on Civil Jurisprudence.

H. B. No. 518, to Committee on Highways and Motor Traffic.

H. B. No. 526, to Committee on Agriculture.

H. B. No. 564, to Committee on Banking.

H. B. No. 585, to Committee on Judicial Districts.

H. B. No. 580, to Committee on State Affairs.

H. B. No. 759, to Committee on State Affairs.

Committee Substitute for Senate Bill 9 on Third Reading

The President laid before the Senate, on its third reading and final passage:

Committee Substitute S. B. No. 9, A bill to be entitled "An Act providing that there shall hereafter be paid out of the revenue of this State, on the last day of each month, to each actual bona fide citizen of this State over the age of sixty-five years the sum of Fifteen (\$15.00) Dollars per month as old age assistance, providing that no habitual criminal, and no habitual drunkard, while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; providing that the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for old age assistance and continuously for one year immediately preceding such application. Providing that the officers charged with the administration of this Act shall receive from the Government of the United States financial aid for old age assistance; and that they shall pay out such old age assistance received from the Government of the United States to those persons in need as provided herein and all such funds shall be kept and disbursed separately. Providing that the County Commissioners' Court of the respective counties and the State Comptroller shall administer this Act. Providing the method of procedure by which applicants may qualify for and obtain

such old age assistance; defining the duties of the Commissioners' Court, and of the County Clerk and the Attorney General and the Comptroller in connection with the administration of this Act, giving the right of appeal; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Senator Moore moved to table the bill subject to call.

Yeas and nays were demanded, and the motion to table subject to call was lost by the following vote:

Yeas—10

Martin	Small
Moffett	Stone
Moore	of Galveston
Nelson	Van Zandt
Pace	Winfield
Roberts	

Nays—15

Aikin	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Metcalf
Graves	Shivers
Hardin	Sulak
Hill	

Absent

Beck	Redditt
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Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The bill then was passed by the following vote:

Yeas—17

Aikin	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Metcalf
Cotten	Redditt
Graves	Shivers
Hardin	Stone
Hill	of Galveston
Isbell	Sulak

Nays—8

Martin	Roberts
Moore	Small
Nelson	Van Zandt
Pace	Winfield

Absent

Beck	Moffett
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Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senate Joint Resolution 4 on
Second Reading

The President laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 4, Proposing an amendment to Article V of the Constitution of the State of Texas by adding three new sections to be known as Sections 3-b, 3-c, and 3-d, respectively; Section 3-c providing that no interlocutory injunction suspending or restraining enforcement, operation or execution of any statute of this State by restraining the action of any Officer of the State in the enforcement of such statute, shall be granted by any trial court or judge thereof on the ground of the unconstitutionality of such statute, unless the petition has been on file at least five days and the opposite party or parties and the Attorney General shall have had at least three days notice thereof, not counting the day of hearing or filing of such suit; Section 3-c providing for appeal direct to the Supreme Court from interlocutory injunctions suspending or restraining the enforcement of any statute of the State pertaining to the revenue laws of the State or to enforcement of any criminal law thereof; and empowering the Legislature to provide direct appeal to the Supreme Court from any other order of the trial court granting an interlocutory injunction or permanent injunction on the ground of the unconstitutionality of any statute of this State; and Section 3-c providing that the Supreme Court may exercise original jurisdiction in direct proceedings filed by the Attorney General of Texas in the Supreme Court with the consent of the Court to prohibit judges of district courts from issuing and enforcing interlocutory injunctions or restraining orders restraining the enforcement of any revenue or criminal law of this State on the ground of its unconstitutionality, in instances where there is no issue of facts involved.

The resolution was read second time.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. No. 4 by striking out all of line 20 of the printed bill except the last word therein.

SMALL,
MARTIN.

The amendment was adopted.

The resolution was passed to engrossment by the following vote:

Yeas—23

Aikin	Moffett
Brownlee	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Isbell	Shivers
Kelley	Small
Lanning	Stone
Lemens	of Galveston
Martin	Van Zandt
Metcalfe	Winfield

Nays—3

Burns	Sulak
Hill	

Absent

Beck

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senator Moffett moved that Senate rule 38, requiring joint resolutions to be read on three several days, be suspended and that S. J. R. No. 7 be declared passed by the Senate by a vote of 23 yeas, 3 nays.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lemens
Beck	Martin
Brownlee	Metcalfe
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Isbell	Redditt
Kelley	Roberts
Lanning	Shivers

Small
Stone
of Galveston

Sulak
Van Zandt
Winfield

Nays—1

Burns

Hill

Absent—Excused

Head
Spears

Stone
of Washington
Weinert

The President declared the resolution passed by the Senate by a vote of 23 yeas, 3 nays.

Senate Concurrent Resolution 18

The President laid before the Senate, for consideration at this time:

S. C. R. No. 18, Authorizing John Bagwell and wife to sue the State.

The resolution was read.

Senator Aikin offered the following amendment to the resolution:

Amend S. C. R. No. 18 by adding the following:
"The venue of this suit shall be in Franklin County."

The amendment was adopted.

The resolution as amended was adopted.

Senate Bill 70 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 70, A bill to be entitled "An Act to amend Article 2007 of the Revised Statutes relating to plea of privilege by adding thereto a provision that such plea shall not be construed to embrace any of the matters set forth in Article 2010, Revised Statutes, unless specifically alleged in such plea; repealing conflicting law, except that this amendment shall apply in subsequently filed suits only; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 70 by adding after the phrase "Revised Civil Statutes"

in Line 11 of the printed bill, the following words: "in Subdivisions 8 and 9 of".

(2)

Amend S. B. No. 70 by striking out the words "from and after its passage" in Lines 40 and 41 of the printed bill and inserting in lieu thereof the following: "on and after January 1, 1940".

The amendments were adopted.

The bill was passed to engrossment.

Senate Bill 70 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett

Moore	Small
Nelson	Stone
Pace	of Galveston
Redditt	Sulak
Roberts	Van Zandt
Shivers	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senate Bill 57 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 57, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendment to the bill:

Amend S. B. No. 57 by striking out the words "from and after its passage" in Lines 14 and 15 on Page 2 of the printed bill and inserting in lieu thereof the following: "on and after January 1, 1940".

The amendment was adopted.

On motion of Senator Van Zandt, the caption was amended to conform to changes in body of bill.

The bill then was passed to engrossment.

Senate Bill 57 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardin
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin

Metcalfe	Shivers
Moffett	Small
Moore	Stone
Nelson	of Galveston
Pace	Sulak
Redditt	Van Zandt
Roberts	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 163 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 163, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of maintaining, constructing, and operating landing fields for airplanes, and depots, terminals, machine shops and hangars to accommodate aircraft, and conferring upon such corporations the right of eminent domain, and declaring an emergency."

The bill was read second time.

On motion of Senator Small, the bill was tabled subject to call.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 28, Relating to an appropriation by Congress for aid to States for Wildlife Restoration.

S. C. R. No. 29, Resolved that the Highway Department be requested, instructed, and directed to restore and perpetually preserve the "Jersey Lily" in all of its pristine glory to the end that the fame of the "Law West of the

Pecos" may never diminish, and the legends of Judge Roy Bean and the "Jersey Lily" may ever be told and appreciated, etc.

S. C. R. No. 31, Granting leave of absence from the State at certain intervals during 1939 and 1940 to the Honorable Judge C. Y. Welch of the 46th Judicial District of Texas.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 54 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of 1925, as amended by Chapter 52, of the Acts of the Second Called Session of the Forty-first Legislature, by adding thereto a new article, to be known as Article 2654e, authorizing and directing the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, to except and exempt certain students from other nations of this continent from the payment of all dues, fees and charges; providing that the foregoing exemption shall not be construed to apply to deposits, nor to fees or charges for lodging, board or clothing; requiring that applicants claiming the benefits of this exemption shall be bona fide students, duly certified to the heads of such institutions by the proper authorities from their native countries, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 54 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hardin
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Graves	Lanning

Lemens	Shivers
Martin	Small
Metcalf	Stone
Moore	of Galveston
Nelson	Sulak
Pace	Van Zandt
Redditt	Winfield
Roberts	

Nays—3

Beck	Moffett
Cotten	

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—17

Brownlee	Nelson
Collie	Redditt
Graves	Roberts
Hill	Shivers
Kelley	Small
Lanning	Stone
Martin	of Galveston
Metcalf	Sulak
Moore	Winfield

Nays—10

Aikin	Isbell
Beck	Lemens
Burns	Moffett
Cotten	Pace
Hardin	Van Zandt

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senate Bill 117 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 117, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts Second Called Session, 1909, p. 432, [relating to per capita apportionment of available school fund]."

The bill was read second time and was passed to engrossment.

Senate Bill 117 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 117 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Roberts
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield
Lemens	

Nays—2

Redditt	Shivers
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Absent

Pace

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Roberts
Hill	Sulak
Isbell	Van Zandt
Kelley	Winfield
Lanning	

Nays—3

Redditt	Small
Shivers	

Absent

Stone
of Galveston

Absent—Excused

Head
Spears

Stone
of Washington
Weinert

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 4, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 286, A bill to be entitled "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling vegetables; providing for inspection and certification of shipments of vegetables in and/or from the State of Texas; defining the terms 'inspectors and/or agents and/or employees' of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of vegetables; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of vegetables and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; making notice to the Commissioner by packers and/or shippers

of vegetables and their intention to ship mandatory; providing that certificates issued under and by virtue of this Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe containers for use in the shipment of vegetables and regulating the re-use of such containers; defining 'deceptive pack' and providing that 'deceptive pack' shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of vegetables shipped in and/or from the State of Texas; providing that the application of the provisions of this Act shall be optional to counties within this State and providing for the exercise of such option; providing for the suspension of this Act in counties wherein adopted and the procedure therefor; providing penalties for violations of this Act; making this Act cumulative of all laws now on the statutes of the State of Texas; repealing all statutes or parts of statutes directly in conflict herewith, and declaring an emergency."

H. B. No. 190, A bill to be entitled "An Act making the giving of any check, draft or order for money upon any bank, firm, person or corporation, a felony, providing the person so giving such check, draft or order has not at the time of giving such check, draft or order sufficient funds deposited with such bank, firm, person or corporation to pay such check, draft or order; providing for the punishment for violation thereof; repealing section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925, and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act to provide an emergency appropriation of Twenty Thousand Dollars (\$20,000.00) payable out of any funds in the State Treasury, not otherwise appropriated, for the use and benefit of the Gas Utilities Division of the Railroad Commission of Texas and for the use and benefit of the Attorney General's Department; providing for repayment of said sum to the general revenue, and further providing certain conditions and restrictions upon use of said sum, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 190, to Committee on Criminal Jurisprudence.

H. B. No. 286, to Committee on Agriculture.

H. B. No. 590, to Committee on Finance.

Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 11:55 o'clock a. m. today.

Senate Bill 36 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; Providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 36 by striking out the period after the word "Department" in the last line of Subdivision d of Section 9 and adding the words: "or the Juvenile Boards of any of the counties authorized by Title 82, Revised Civil Statutes as amended."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

Senate Bill 422 on First Reading

Senator Lemens moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature

be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Lemens:

S. B. No. 422, A bill to be entitled "An Act providing that all counties within this State having a population in excess of fifty-three thousand five hundred inhabitants and less than fifty-seven thousand inhabitants may upon an order made by its Commissioners' Court for this purpose provide and maintain a County Law Library; and that such Library may upon an order made by said Commissioners' Court be maintained and supported by a trial fee to be assessed and collected in all cases filed in the County and District Courts of said Counties, said fee not to exceed the sum of one dollar for each case filed and granting to said Commissioners' Court the power and authority to establish and maintain said Law Library as a County Library at the county seat of said counties; and declaring an emergency."

Referred to the Committee on Internal Improvements.

Reports of Standing Committees

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of H. B. No. 1002, Chapter 363, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, and Section 4 of Chapter 362, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Chapter 195, General and Special Laws, Forty-fifth Legislature, Regular Session, relating to compensation of County Commissioners in certain counties; providing a saving clause; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Graves, by unanimous consent, submitted at this time the following report of the Committee on Internal Improvements:

Austin, Texas,
April 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 422, A bill to be entitled "An Act providing that all counties within this State having a population in excess of fifty-three thousand five hundred inhabitants and less than fifty-seven thousand inhabitants may upon an order made by its Commissioners' Court for this purpose provide and maintain a County Law Library; and that such Library may upon an order made by said Commissioners' Court be maintained and supported by a trial fee to be assessed and collected in all cases filed in the County and District Courts of said Counties, said fee not to exceed the sum of one dollar for each case filed and granting to said Commissioners' Court the power and authority to establish and maintain said

Law Library as a County Library at the county seat of said counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Senate Resolution 58

Senator Pace, by unanimous consent, offered at this time the following resolution:

Whereas, On April 3, 1900, a fine, bouncing baby boy was born at De-Queen, Arkansas, to Dr. and Mrs. E. L. Beck. The mother and father named the youngster "Harold." He is now our colleague and esteemed friend. He is still a bachelor, but he is "still working at the job" in the words of members of the Senate Ladies Club, therefore, be it

Resolved, That we congratulate our colleague upon his attaining his 39th birthday and wish for him many happy returns of the day.

The resolution was read; and on motion of Senator Pace and by unanimous consent, it was considered at this time.

The resolution was adopted.

Executive Session

The President, at 11:55 o'clock a. m., announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom

was referred the following nomination:

To be Judge of the 7th Judicial District of Texas (to be effective April 17, 1939):

Bascom Gist of Tyler, Smith County, Texas.

Have had same under consideration and recommend that he be in all things confirmed.

SHIVERS, Chairman.

Recess

Senator Martin moved that the Senate recess to 2:00 o'clock p. m. today.

The motion prevailed; and the Senate, accordingly, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Reports of Standing Committees

Senator Metcalfe, by unanimous consent, submitted at this time the following report of the Committee on Military Affairs:

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 289, A bill to be entitled "An Act amending Article 4591 of the 1925 Revised Civil Statutes of the State of Texas, as amended by H. B. No. 126, Chapter 8, Acts of 1931, Regular Session, Forty-second Legislature, so as to make May 30th, as Memorial Day, a legal holiday, and declaring an emergency, and providing the Act shall take effect from and after its passage,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

. METCALFE, Chairman.

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 594, A bill to be entitled "An Act to amend Chapter 2, Title 128, R. C. S. of 1925, so as to provide for dividing Water Improvement Districts organized or operating under said Chapter, when such districts are operating under contract with the Department of the Interior of the Government of the United States, into districts for the election of directors thereof; etc., and declaring an emergency,"

Have duly considered same and desire to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Senate Bill 205 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 205, A bill to be entitled "An Act relating to insurance and making it unlawful to engage in the insurance business in Texas, unless same is expressly authorized by the laws of this State; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 205 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 205 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin
Beck
Burns
Cotten
Graves
Hill
Isbell

Kelley
Lanning
Lemens
Martin
Metcalfe
Moffett
Moore

Pace	Stone
Redditt	of Galveston
Roberts	Sulak
Small	Van Zandt
	Winfield

Present—Not Voting

Brownlee

Absent

Collie	Nelson
Hardin	Shivers

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Moffett
Beck	Moore
Burns	Nelson
Cotten	Pace
Graves	Redditt
Hill	Roberts
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield

Present—Not Voting

Brownlee

Absent

Collie	Shivers
Hardin	

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 81, Urging the Department of Agriculture to desist from the sale of certain mortgaged property at public auction.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 81

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 81, Relating to sale of certain farm machinery at public auction by the Federal Department of Agriculture.

The resolution was read and was referred to the Committee on Agriculture.

Senate Bill 36 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 36, creating a State Board of Public Welfare, on its passage to engrossment—the bill having been read second time today.

Question—Shall the bill be passed to engrossment?

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 36 by adding at the proper place a new section to be known as Section 22a and which shall read as follows, to-wit:

"Section 22a. There is hereby appropriated out of the general revenue of the State of Texas not otherwise appropriated the sum of \$175,000 or so much as may be necessary to place in immediate effect the provisions of Sections 12 to 22 inclusive of this Act for the remainder of the current biennium."

Senator Hardin offered the following substitute for the amendment:

Amend the pending bill by adding a new section to be properly numbered and inserted as follows:

There is hereby appropriated out of the general revenue of this State the sum of Five Million Dollars to supplement for each year of the next biennium for old age assistance.

Senator Roberts raised a point of order against further consideration of

the amendment and the substitute, on the ground that they are not germane to the original purposes of the bill.

The President overruled the point of order.

Senator Hardin withdrew the substitute.

Question recurring on the amendment by Senator Van Zandt, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42

Aikin	Metcalf
Brownlee	Moffett
Burns	Redditt
Cotten	Stone
Hardin	of Galveston
Hill	Van Zandt
Lanning	

Nays—12

Beck	Moore
Collie	Nelson
Graves	Pace
Isbell	Roberts
Kelley	Small
Martin	Winfield

Absent

Lemens	Sulak
Shivers	

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The bill then was passed to engrossment.

Motion to Suspend Constitutional Rule

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its third reading and final passage:

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18

Beck	Cotten
Brownlee	Graves
Collie	Isbell

Kelley
Lanning
Martin
Metcalf
Moffett
Pace
Redditt

Roberts
Small
Stone
of Galveston
Van Zandt
Winfield

Nays—5

Aikin	Hill
Burns	Nelson
Hardin	

Absent

Lemens	Shivers
Moore	Sulak

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Bill and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. B. No. 474, "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, six hundred (22,600) according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. C. R. No. 80, Recalling S. C. R. No. 21 from the Governor's office.

S. C. R. No. 30, Authorizing the State Highway Department to lend certain discarded wire to the Archer City Independent School District.

Senate Bill 131 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 131, A bill to be entitled "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 131 by adding after the word "therefrom" in line 4, Section 1, the following: "shall be deemed guilty of a felony and upon conviction".

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 131, line 13, by striking out the following words: "shall in any manner attempt to escape from such jail".

Senator Stone of Galveston moved to table the amendment.

Yeas and nays were demanded, and the vote on the motion to table was announced: Yeas 12, nays 12.

The President voted yea, and the motion to table prevailed by the following vote:

Yeas—13

Mr. President	Martin
Brownlee	Metcalf
Collie	Moffett
Graves	Nelson
Kelley	Stone
Lanning	of Galveston
Lemens	Winfield

Nays—12

Aikin	Isbell
Beck	Moore
Burns	Pace
Cotten	Redditt
Hardin	Roberts
Hill	Van Zandt

Present—Not Voting

Sulak

Absent

Shivers Small

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 131 by adding after the word "therefrom" in line 14 the following: "and while making such attempt shall injure any person".

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 131 by striking out the words "of a misdemeanor or" in line two and insert in lieu thereof the following: "or conviction of".

Senator Stone of Galveston moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12

Aikin	Moffett
Graves	Nelson
Kelley	Roberts
Lanning	Stone
Lemens	of Galveston
Martin	Winfield
Metcalf	

Nays—13

Beck	Isbell
Brownlee	Pace
Burns	Redditt
Collie	Small
Cotten	Sulak
Hardin	Van Zandt
Hill	

Absent

Moore Shivers

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 131 by adding a new section to be numbered 1-a: Whenever a convict in the State Penitentiary escapes, shall be guilty of a felony and upon conviction shall be sentenced to the State Prison not less than two nor more than five years.

Senator Stone of Galveston raised a point of order against consideration of the amendment on the ground that it is not germane to the original purposes of the bill.

The President sustained the point of order.

On motion of Senator Van Zandt and by unanimous consent, the cap-

tion was amended to conform to the changes in the body of the bill.

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—16

Brownlee	Metcalf
Collie	Moffett
Graves	Nelson
Hill	Roberts
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Winfield
Martin	

Nays—10

Aikin	Moore
Beck	Pace
Burns	Redditt
Cotten	Van Zandt
Hardin	

Absent

Shivers	Small
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Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Motion to Suspend Constitutional Rule

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 131 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20

Aikin	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Redditt
Hill	Roberts
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Winfield
Metcalf	

Nays—6

Beck	Hardin
Burns	Pace
Cotten	Van Zandt

Absent

Shivers

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Message from the Governor

The President laid before the Senate and had read, the following message:

Austin, Texas,
April 4, 1939.

To the Senate of the Forty-sixth Legislature.

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be District Attorney of the Seventh Judicial District of Texas:

Milton Greer Mell of Gilmer, Upshur County, Texas (to be effective April 17th, 1939).

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

The message was read and was referred to the Committee on Nominations of the Governor.

Senate Bill 123 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 123, A bill to be entitled "An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park and defining the duties and powers of the Texas State Park Board in regard thereto, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and providing a consideration therefor, and transferring and conveying certain mineral estates now owned by the State Public School Fund in said area to the State of Texas for park purposes only and providing a consideration for said transfer and conveyance; etc., and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

(1)

Amend caption of S. B. No. 123 in line 8, after the word "park," insert a comma and the words "granting powers of condemnation."

In line 9, following comma, insert "withdrawing from sale or lease."

In line 30, after the word "purpose" insert "reserving certain jurisdictional rights and privileges to the State."

(2)

Amend S. B. No. 123 by inserting after the word "corporations" on page 4, line 61, of Section 9, the word "their" and striking out the word "and."

(3)

Amend S. B. No. 123 by striking out lines 5, 6 and 7, on page 5, of Section 9.

(4)

Amend the caption to conform to changes in the body of the bill.

The amendments were adopted severally.

The bill was passed to engrossment.

Senate Bill 123 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 131 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Roberts
Hardin	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield

Nays—2

Aikin	Redditt
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Absent

Hill	Shivers
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Absent—Excused

Head	Stone
Spears	of Washington
	Weinert

Senate Bill 155 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 155. A bill to be entitled "An Act, providing that it shall be unlawful to hunt, take, kill, pursue, catch, possess, buy or sell any game bird, game animal, fish, shrimp, oyster, crabs, diamond back terrapin, fur-bearing animal, or attempt to do so by any means, method or device, other than such as may hereafter be permitted; repealing all laws relating thereto, excepting certain laws; providing that the Game, Fish and Oyster Commission shall make certain defined studies determining certain specified information, and on such basis grant privileges that may be justified; prescribing the method of issuing such Proclamation; providing for a Shooting Preserve Manager's License; defining a Shooting Preserve and the rights and privileges in connection therewith; fixing the price of a Shooting Preserve Manager's License, and the fees to be collected by such Manager and other regulations appertaining to a Shooting Preserve; providing for a resident hunting license and

a non-resident hunting license, the fees to be charged for same and certain exemptions and other regulations appertaining to licensed hunting; providing for an Angler's License and the fee for same; providing for the disposition of monies collected under the provisions of this Act; providing for the repeal of certain laws in conflict with the provisions of this Act; providing a suitable penalty for violation of any provision of this Act; providing a rule of construction and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend S. B. 155 by striking out all of Sections 6 to 24, both inclusive.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—13

Aikin	Lanning
Beck	Lemens
Burns	Moffett
Collie	Redditt
Graves	Shivers
Hardin	Sulak
Hill	

Nays—14

Brownlee	Roberts
Isbell	Small
Kelley	Spears
Martin	Stone
Metcalfe	of Galveston
Moore	Van Zandt
Nelson	Winfield
Pace	

Absent

Cotten

Absent—Excused

Head	Weinert
Stone	
of Washington	

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 155 by striking out of said bill Sections 1 through 5 inclusive.

Senator Moore moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Redditt
Beck	Roberts
Cotten	Small
Graves	Spears
Isbell	Stone
Kelley	of Galveston
Lemens	Stone
Martin	of Washington
Moore	Van Zandt
Nelson	Winfield
Pace	

Nays—9

Brownlee	Lanning
Burns	Metcalfe
Collie	Moffett
Hardin	Sulak
Hill	

Absent

Shivers

Absent—Excused

Head	Weinert
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Senator Van Zandt moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—17

Beck	Nelson
Cotten	Pace
Graves	Redditt
Isbell	Roberts
Kelley	Small
Lemens	Stone
Martin	of Galveston
Moffett	Van Zandt
Moore	Winfield

Nays—11

Aikin	Lanning
Brownlee	Metcalfe
Burns	Spears
Collie	Stone
Hardin	of Washington
Hill	Sulak

Absent

Shivers

Absent—Excused

Head	Weinert
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Question recurring on the passage to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—16

Cotten	Roberts
Graves	Small
Isbell	Spears
Kelley	Stone
Lemens	of Galveston
Martin	Stone
Moore	of Washington
Nelson	Van Zandt
Pace	Winfield

Nays—11

Aikin	Lanning
Brownlee	Metcalf
Burns	Moffett
Collie	Redditt
Hardin	Sulak
Hill	

Absent

Beck	Shivers
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Absent—Excused

Head	Weinert
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Motion to Suspend Constitutional Rule

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 155 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18

Cotten	Redditt
Graves	Roberts
Isbell	Small
Kelley	Spears
Lemens	Stone
Martin	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Van Zandt
Pace	Winfield

Nays—9

Aikin	Hill
Brownlee	Lanning
Burns	Metcalf
Collie	Sulak
Hardin	

Absent

Beck	Shivers
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Absent—Excused

Head	Weinert
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Senate Bill 199 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 199, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, Revised Criminal Statutes of 1925, by adding new provision five so as to include junior college, college or university students; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 199 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 199 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Winfield
Metcalf	

Absent—Excused

Head	Weinert
Stone	
of Washington	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Pace
Hardin	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalfe	Sulak
Moffett	Van Zandt
Moore	Winfield
Nelson	

Absent—Excused

Head	Weinert
Stone	
of Washington	

Senate Bill 167 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 167, A bill to be entitled "An Act creating a School Land Board; defining its powers and prescribing its duties; providing regulations for the sale and lease of all lands set apart for the Permanent Free School Fund and several asylum funds, the mineral estate in river beds and channels, and the mineral estate in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea; dedicating the mineral estate in river beds and channels and in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea, to the Permanent Free School Fund; abolishing the Board of Mineral Development; making an appropriation; providing that if any provision of this Act shall be held invalid or unconstitutional, the remaining provisions shall not be affected; providing that filings, applications, or litigation pending on effective date of this Act shall not be affected; suspending all parts of laws in conflict; and declaring an emergency."

The bill was read second time.

(President Pro Tempore in the Chair.)

Senator Hill offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 167, the printed bill, by adding to Section 1 the following:

"The provisions of this Act shall

not apply to those lands awarded to the State of Texas by decree of the Supreme Court of the United States on March 17, 1930 in cause entitled State of Oklahoma vs. the State of Texas, the United States of America Intervenor, but said lands shall be sold and disposed of in accordance with the provisions of Chapter 185, Acts of the Regular Session, Forty-second Legislature."

(2)

Amend S. B. No. 167, the printed bill, by striking out on line 36 the word "chairman," and all of line 37 on Page 1, and insert in lieu thereof the words "the Attorney General and the Governor."

The committee amendment (1) was adopted.

(President in the Chair.)

Senator Hill moved to table the bill.

Question—Shall the (committee) amendment (2) be adopted?

**Committee Substitute for Senate
Joint Resolution 12 on En-
grossment**

Senator Small moved to reconsider the vote by which the Senate refused to pass Committee Substitute for S. J. R. No. 12 to engrossment on yesterday.

Senator Hill moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7

Brownlee	Metcalfe
Hill	Stone
Lanning	of Galveston
Lemens	Sulak

Nays—20

Aikin	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Winfield
Nelson	

Absent

Beck

Absent—Excused

Head

Paired

Senator Moore (present), who would vote "yea," with Senator Weinert (absent) who would vote "nay."

Question resurging on the motion to reconsider, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—21

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Winfield

Nays—6

Hill	Stone
Lanning	of Galveston
Lemens	Sulak
Metcalf	

Absent

Beck

Absent—Excused

Head

Paired

Senator Moore (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Question—Shall Committee Substitute for S. J. R. No. 12 be passed to engrossment?

Senator Small moved to reconsider the vote by which the main question was ordered on the passage of the resolution to engrossment, and the motion to reconsider prevailed.

Question—Shall the main question be now ordered?

The Senate refused to order the main question at this time.

Question recurred—Shall Committee Substitute for S. J. R. No. 12 be passed to engrossment?

House Bill 231 Re-referred

Senator Kelley moved that H. B. No. 231 be re-referred from the Committee on State Affairs to the Committee on Commerce and Manufactures.

Yeas and nays were demanded, and the motion to re-refer prevailed by the following vote:

Yeas—18

Collie	Moffett
Graves	Nelson
Hardin	Roberts
Hill	Shivers
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak

Nays—8

Aikin	Pace
Burns	Redditt
Cotten	Small
Moore	Van Zandt

Absent

Beck

Absent—Excused

Head

Winfield

Paired

Senator Brownlee (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Hour for Executive Session Set

On motion of Senator Shivers and by unanimous consent, the Senate agreed to hold an executive session at 5:31 o'clock p. m. today, to consider nominations of the Governor.

Executive Session

At 5:31 o'clock p. m., the President announced the hour set for an executive session had arrived and he ordered the floor and galleries cleared of all those not entitled to attend the executive session and directed that all doors leading from the Senate Chamber be closed.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be District Attorney of the 7th Judicial District of Texas (to be effective April 17th, 1939):

Milton Greer Mell of Gilmer, Upshur County, Texas.

Have had same under consideration and recommend that he be in all things confirmed.

SHIVERS, Chairman.

The President called the Senate to order as in legislative session at 5:35 o'clock p. m.

Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 28, Relating to an appropriation by Congress for aid to States for Wildlife Restoration.

S. C. R. No. 29, Providing for the restoration and preservation of the edifice known as the "Jersey Lily."

S. C. R. No. 31, Granting Judge C. Y. Welch leave of absence from the State.

Recess

On motion of Senator Cotten, the Senate, at 5:39 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX**Reports of Committees on Enrolled and Engrossed Bills**

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. C. R. No. 30 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 4 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 31 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 29 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. C. R. No. 18 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. C. R. No. 28 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We your Committee on En-grossed Bills, have had S. B. No. 117 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,
April 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 205 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

FORTY-SIXTH DAY

(Continued)

(Wednesday, April 5, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

Reports of Standing Committees

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
April 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 350, A bill to be entitled "An Act fixing the venue of suits brought on policies issued and contracts made by reciprocal or inter-insurance exchanges organized under the provisions of Chapter 20, Title 78, Revised Civil Statutes of Texas, and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VAN ZANDT, Chairman.

Austin, Texas,
April 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 552, A bill to be entitled "An Act conveying the title of the State of Texas to Lot No. Eight in Block No. Thirty-eight of the original townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town, appearing of record in Volume P, Pages 146 and 147 of the Deed records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Thelma Moers Forster, to her separate use and benefit; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VAN ZANDT, Chairman.

Austin, Texas,
April 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 640, A bill to be entitled "An Act providing the Supreme Court may grant certain attorneys who have practiced law in a State of the United States for a period of Twenty